

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN RE:)
MICHELLE MOAT MOORE,) CASE NO.: 23-10605-LRC
DEBTOR.) CHAPTER 13
-----) JUDGE LISA RITCHIE CRAIG
-----)
MELISSA J. DAVEY,)
STANDING CHAPTER 13 TRUSTEE,)
Movant,)
v.) CONTESTED MATTER
-----)
MICHELLE MOAT MOORE,)
Respondent.)
-----)

**CHAPTER 13 TRUSTEE'S
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

Melissa J. Davey, Chapter 13 Trustee, objects to confirmation of the plan and moves to dismiss this case pursuant to 11 U.S.C. Section 1307(c) for the following reasons:

1. The plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d).
2. The Debtor has failed to pay the Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. Section 1326.
3. The Debtor has failed to provide the Trustee with a copy of the 2022 federal income tax return for the most recent tax year ending immediately before the commencement of the instant case in violation of 11 U.S.C. Section 521(e)(2)(A)(i). As the Debtor has failed to submit the last filed tax return to the Trustee prior to the meeting of creditors, the Trustee requires a sworn statement by the Debtor, in addition to the tax return, that the tax return provided is a true copy of the most recent tax return filed.

4. The Chapter 13 Plan fails to provide treatment of the filed secured claim of Republic Finance in violation of 11 U.S.C. Sections 1322(a)(2) or 1325(a)(5).

Wherefore, the Trustee moves this Honorable Court to consider the above objections at the confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case pursuant to 11 U.S.C. Section 1307(c), and for such other and further relief that this Court deems just and proper.

Dated: June 27, 2023

/s/Kelsey A. Makeever

Kelsey A. Makeever
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CERTIFICATE OF SERVICE

I hereby certify that on the June 27, 2023, I electronically filed the foregoing Chapter 13 Chapter 13 Trustee's Objection to Confirmation & Motion to Dismiss with the Clerk of Court using the CM/ECF system which will automatically send an e-mail notification of such filing to the parties or attorneys of record. I have also on this day caused a copy of the pleading to be placed in the first-class United States mail, postage prepaid, addressed to the following recipients not participating in the CM/ECF system as follows:

DEBTOR:

MICHELLE MOAT MOORE
51 LEONARD ROAD
LAGRANGE, GA 30241

Dated: June 27, 2023

/s/Kelsey A. Makeever

Kelsey A. Makeever

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